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DATE: September 21, 2006

PTO IDENTIFIER: Application Number 10/568,777-Conf. #9551
Patent Number

Inventor: Jürgen Frank et al.

MESSAGE TO: US Patent and Trademark Office

FAX NUMBER: (571) 273-8300

FROM: CONNOLLY BOVE LODGE & HUTZ LLP

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Attorney Dkt. #: 13156-00037-US

PAGES (Including Cover Sheet): 6

CONTENTS:	Submission of IPRP for application 10/568,777 (1 page)
	International Preliminary Report on Patentability (3 pages)
	Certificate of Transmission (1 page)

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Application No.: 10/568,777

Attorney Docket No.: 13158-00037-US

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Submission of IPRP for application 10/568,777 (1 page)

International Preliminary Report on Patentability (3 pages)

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Docket No.: 13156-00037-US
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Jürgen Frank et al.

Application No.: 10/568,777

Confirmation No.: 9551

Filed: February 21, 2006

Art Unit: 1751

For: USE OF 2-HYDROXY-2-SULFINATO
ACETIC ACID OR THE SALTS THEREOF AS
AN INITIATOR IN W/O EMULSIONS

Examiner: Not Yet Assigned

**SUBMISSION OF INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants submit herewith a copy of the International Preliminary Report on Patentability issued in the corresponding international patent application. Each reference cited in the Report has been cited by Applicant in an Information Disclosure Statement filed in the captioned application.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 03-2775, under Order No. 13156-00037-US from which the undersigned is authorized to draw.

Dated: September 21, 2006

Respectfully submitted,

By 

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Translation**PATENT COOPERATION TREATY****PCT****INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY**
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference ep049458	FOR FURTHER ACTION		See Form PCT/IPEA/416
International application No. PCT/EP2004/009358	International filing date (day/month/year) 20.08.2004	Priority date (day/month/year) 21.08.2003	
International Patent Classification (IPC) or national classification and IPC C08F4/40, C08F20/00			
Applicant BASF AKTIENGESELLSCHAFT			

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of **3** sheets, including this cover sheet.

3. This report is also accompanied by ANNEXES, comprising:

- a. ☐ (sent to the applicant and to the International Bureau) a total of _____ sheets, as follows:
- ☐ sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).
- ☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.
- b. ☐ (sent to the International Bureau only) a total of (Indicate type and number of electronic carrier(s)) _____

_____ containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).

4. This report contains indications relating to the following items:

- ☒ Box No. I Basis of the report
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability: citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

Form PCT/IPEA/409 (cover sheet) (January 2004)

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/009358

Box No. I	Basis of the report
1.	<p>With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.</p> <p><input type="checkbox"/> This report is based on translations from the original language into the following language _____ which is the language of a translation furnished for the purposes of:</p> <p><input type="checkbox"/> international search (Rule 12.3 and 23.1(b))</p> <p><input type="checkbox"/> publication of the international application (Rule 12.4)</p> <p><input type="checkbox"/> international preliminary examination (Rule 55.2 and/or 55.3)</p> <p>2. With regard to the elements of the international application, this report is based on (replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report):</p> <p><input type="checkbox"/> the international application as originally filed/furnished</p> <p><input checked="" type="checkbox"/> the description: _____</p> <p>pages: <u>1-28</u> _____ as originally filed/furnished</p> <p>pages* _____ received by this Authority on _____</p> <p>pages* _____ received by this Authority on _____</p> <p><input checked="" type="checkbox"/> the claims: _____</p> <p>nos. <u>1-15</u> _____ as originally filed/furnished</p> <p>nos.* _____ as amended (together with any statement) under Article 19</p> <p>nos.* _____ received by this Authority on _____</p> <p>nos.* _____ received by this Authority on _____</p> <p><input type="checkbox"/> the drawings: _____</p> <p>sheets _____ as originally filed/furnished</p> <p>sheets* _____ received by this Authority on _____</p> <p>sheets* _____ received by this Authority on _____</p> <p><input type="checkbox"/> a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.</p> <p>3. <input type="checkbox"/> The amendments have resulted in the cancellation of:</p> <p><input type="checkbox"/> the description, pages _____</p> <p><input type="checkbox"/> the claims, nos. _____</p> <p><input type="checkbox"/> the drawings, sheets/figs _____</p> <p><input type="checkbox"/> the sequence listing (specify): _____</p> <p><input type="checkbox"/> any table(s) related to sequence listing (specify): _____</p> <p>4. <input type="checkbox"/> This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).</p> <p><input type="checkbox"/> the description, pages _____</p> <p><input type="checkbox"/> the claims, nos. _____</p> <p><input type="checkbox"/> the drawings, sheets/figs _____</p> <p><input type="checkbox"/> the sequence listing (specify): _____</p> <p><input type="checkbox"/> any table(s) related to sequence listing (specify): _____</p>

* If item 4 applies, some or all of those sheets may be marked "superseded."

Form PCT/IPEA/409 (Box No. 1) (January 2004)

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/009358

Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability: citations and explanations supporting such statement					
1. Statement						
Novelty (N)	Claims 1-15		YES			
	Claims		NO			
Inventive step (IS)	Claims 1-15		YES			
	Claims		NO			
Industrial applicability (IA)	Claims 1-15		YES			
	Claims		NO			
2. Citations and explanations (Rule 70.7)						
The subject matter of the application is novel and inventive (PCT Article 33(1) to (3)).						
<p>Document D1 describes emulsion polymerisation of polar monomers using various initiator systems. Numerous redox systems are mentioned, including 2-hydroxy-2-sulphinato acetic acid (paragraph 34), but there is nothing to indicate that this reducing agent or a salt thereof is used in an <u>inverse emulsion polymerisation</u> reaction. Through the use of 2-hydroxy-2-sulphinato acetic acid in an inverse emulsion polymerisation reaction it is possible to avoid an induction time, which is a disadvantageous aspect of the prior art. The resulting products have good fish-eye and swelling-particle values (see the description, page 3, third paragraph, and page 12, lines 17 to 19). This method is not obvious from document D1.</p> <p>Although it is not supported by test results, the argument relating to the novelty and inventiveness of product-by-process claim 6 is plausible.</p> <p>The invention is industrially applicable.</p>						

Form PCT/ISA/409 (Box No. V) (January 2004)